

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES LYNCH,

Plaintiff,

v.

TASTY BAKING COMPANY d/b/a TASTY
CAKE, et al.,

Defendants.

CIVIL ACTION
NO. 23–4445

ORDER

AND NOW, this 6th day of March 2024, upon consideration of Defendants’ Motion to Dismiss (ECF No. 7), Lynch’s Response (ECF No. 10), and Defendants’ Reply (ECF No. 11), it is hereby **ORDERED** that Defendants’ Motion is **GRANTED**. It is further **ORDERED** that:

1. Counts I, III–VIII and X–XI against Tasty Cake are **DISMISSED** without prejudice.
2. Counts I, VII, VIII, X and XI against Amber Beattie, Jack Garrett and Christine Johnston are **DISMISSED** without prejudice.
3. Count I against Hayley Angeline is **DISMISSED** without prejudice.
4. Counts VII, VIII, X and XI against Hayley Angeline are **DISMISSED** with prejudice.
5. The portion of Count II claiming race discrimination under Title VII against Tasty Cake is **DISMISSED** without prejudice; and

6. The portion of Count IX claiming race, color and disability discrimination under the Philadelphia Fair Practices Ordinance against Tasty Cake is **DISMISSED** without prejudice.
7. Lynch shall file his amended complaint on or before **March 20, 2024**.

BY THE COURT:

/s/ Gerald J. Pappert

Gerald J. Pappert, J.